

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW JERSEY

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UNITED STATES OF AMERICA

v.

FREDERICK J. BIRKS and  
ROBERT BEURET

Defendants.

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Criminal No. 07-153 (JBS)

**ORDER**

This matter having come before the Court upon Defendant Robert Beuret's motions to exclude the expert testimony of William Park [Docket Items 55 and 89]; the Court having considered the submissions of the parties in support thereof and opposition thereto, together with oral argument held on May 19, 2009; for the reasons explained in the Opinion of today's date; and for good cause shown;

IT IS this 16th day of **June, 2009** hereby

ORDERED that Defendant Beuret's first motion to preclude expert testimony [Docket Item 55] shall be, and hereby is, **DISMISSED** as moot; and it is further

ORDERED that Defendant Beuret's second motion to preclude expert testimony [Docket Item 89] shall be, and hereby is, **DENIED**; and it is further

ORDERED that the Government shall supplement its May 1<sup>st</sup> letter regarding "away from market" and "private transactions" within seven (7) days of entry of this Opinion and Order to include, at a minimum, a description of the witness's opinions on each of these topics and the bases and reasons for those opinions; in the absence of timely and adequate supplementation, the Government will be precluded from adducing Park's opinion testimony on those topics at trial.

**s/ Jerome B. Simandle**  
Jerome B. Simandle  
United States District Judge